



APPLICATION ACCEPTED: May 7, 2014  
BOARD OF ZONING APPEALS: October 29, 2014  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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October 22, 2014

## STAFF REPORT

**SPECIAL PERMIT SP 2014-LE-062**

### LEE DISTRICT

**APPLICANT:** Martia Clark, Early Learning DayCare LLC

**OWNER:** Monica Sims Crimmins

**SUBDIVISION:** Valley View, Lot 43

**STREET ADDRESS:** 3303 Collard St., Alexandria 22306

**TAX MAP REFERENCE:** 92-2 ((19)) 43

**LOT SIZE:** 10,800 square feet

**ZONING DISTRICT:** R-2

**ZONING ORDINANCE PROVISIONS:** 8-305

**SPECIAL PERMIT PROPOSAL:** To permit a home child care facility.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2014-LE-062 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**

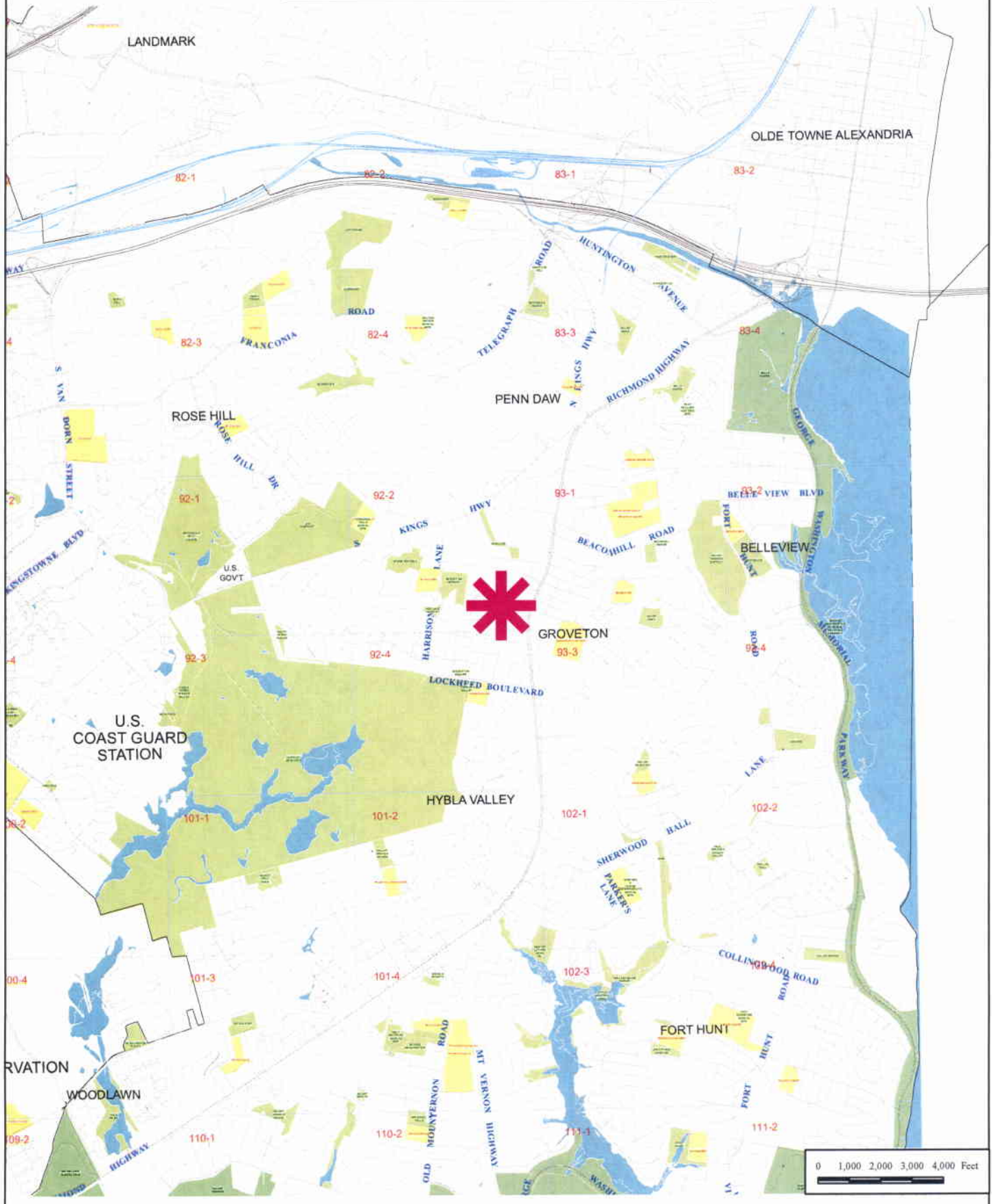


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2014-LE-062

MARTIA CLARK / EARLY LEARNING DAYCARE L.L.C.

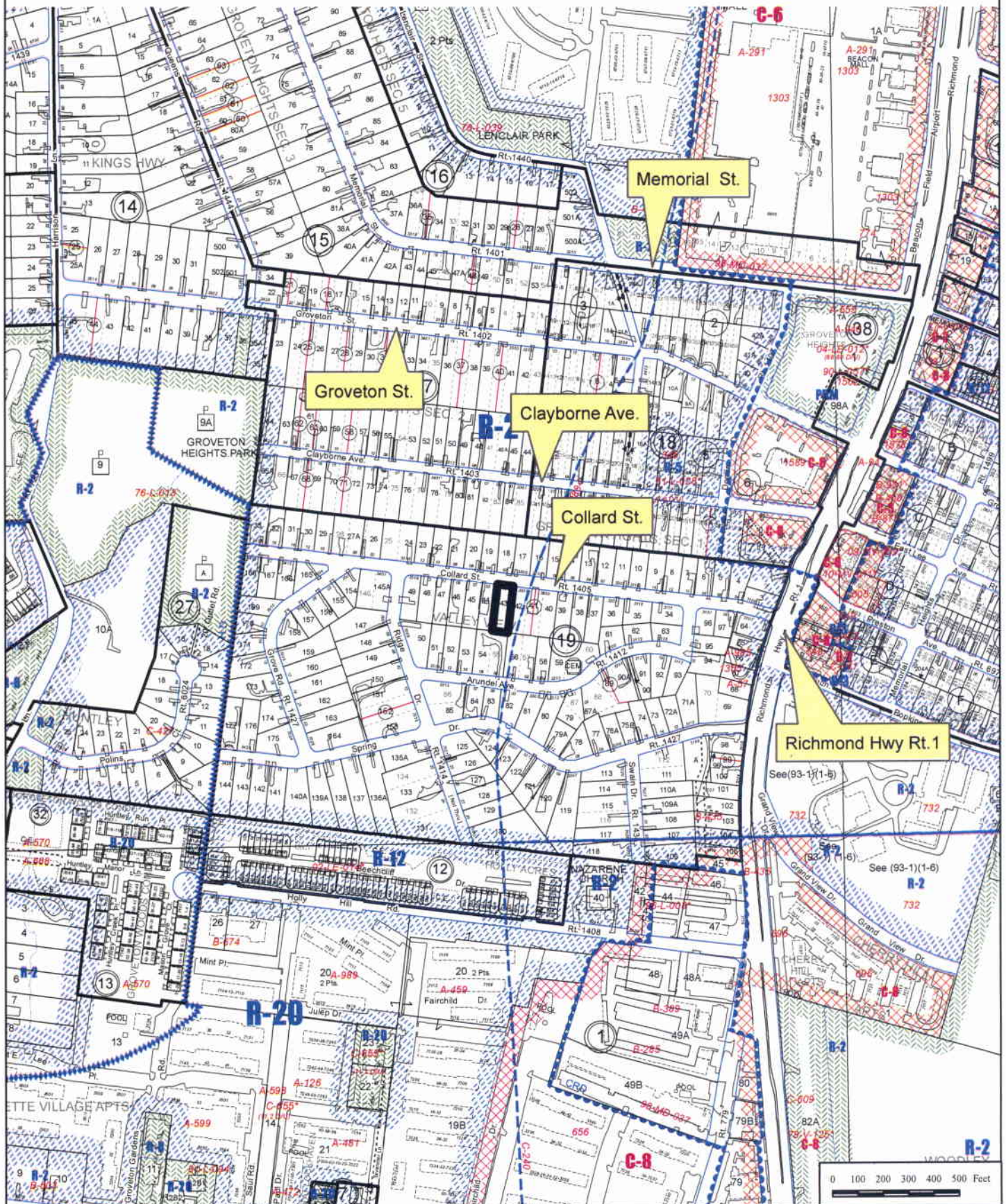




# Special Permit

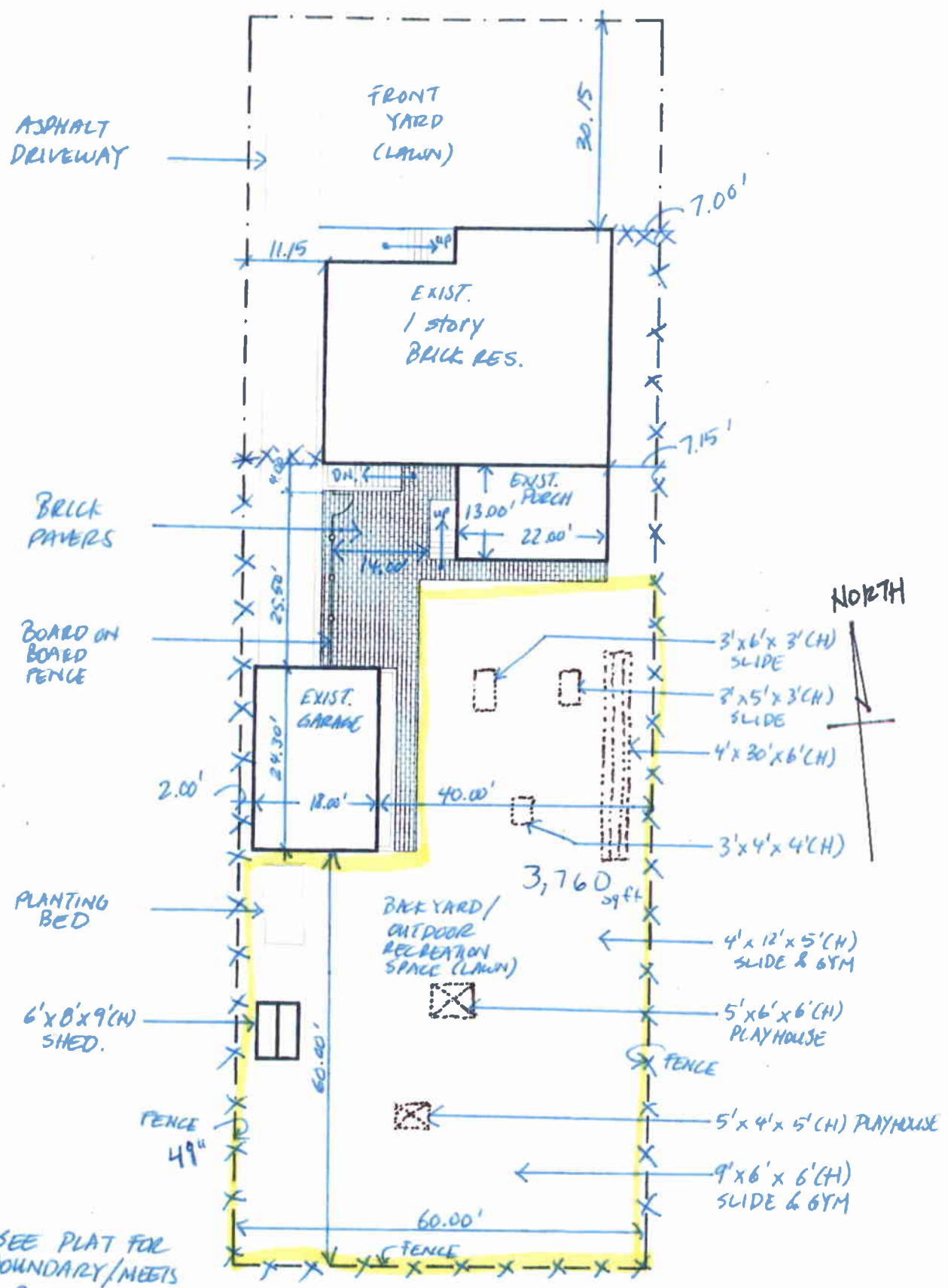
SP 2014-LE-062

MARTIA CLARK / EARLY LEARNING DAYCARE L.L.C.





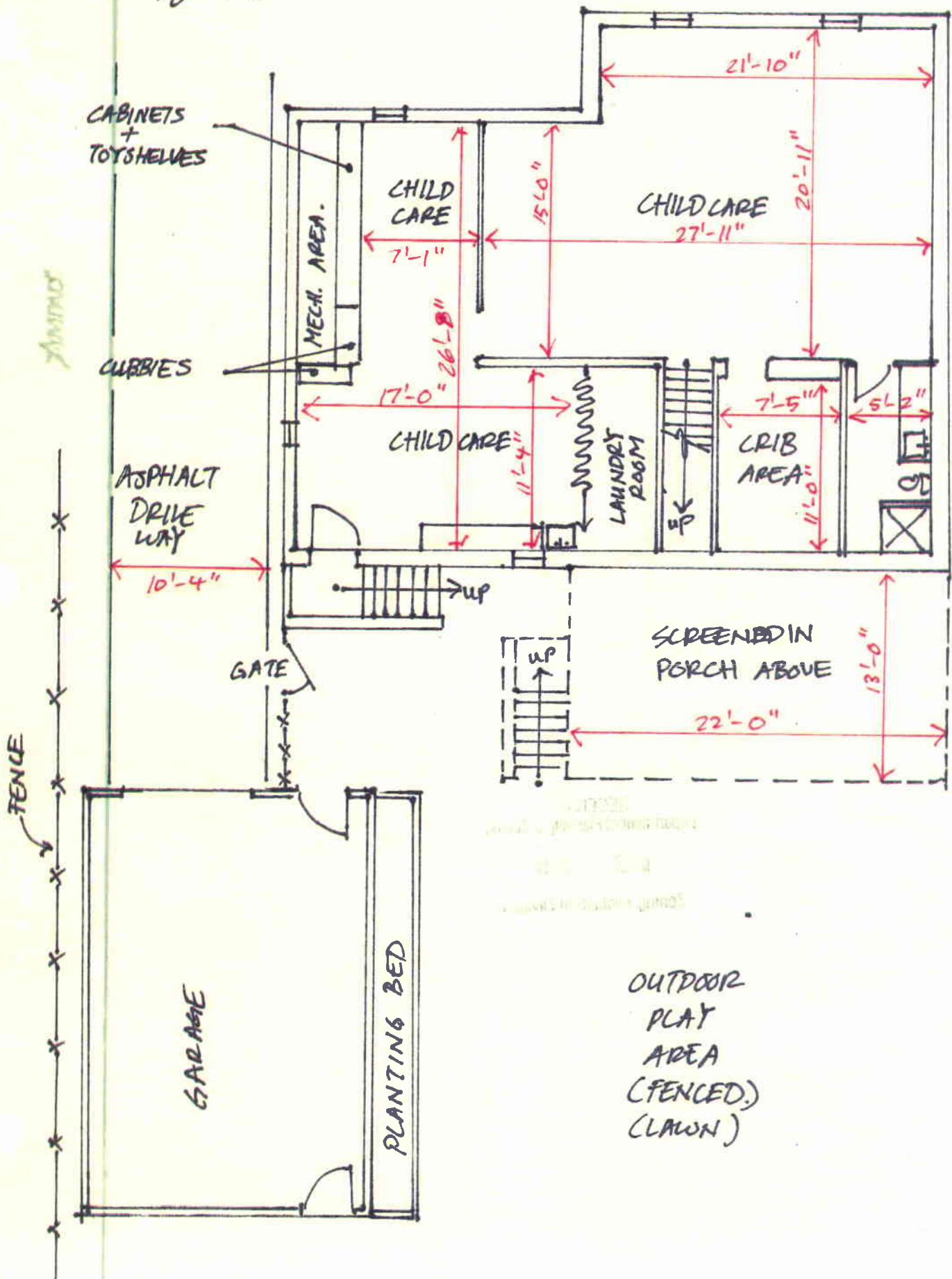
Walter Clark  
5/6/14



Lot 43 VALLEY VIEW  
FAIRFAX CO. VIRGINIA

SCALE 1"=20'  
MARCH 4, 2014

SCALE:  
 $\frac{1}{8}" = 1'-0"$



#1



#2



#3



#4



#5





#6



#7





#8



#9



#10



Laundry Area behind  
curtain and gate;

Child care Area



Entrance & Cubbies



Child Care Area



Child Care Area, Cubbies, Toy Storage



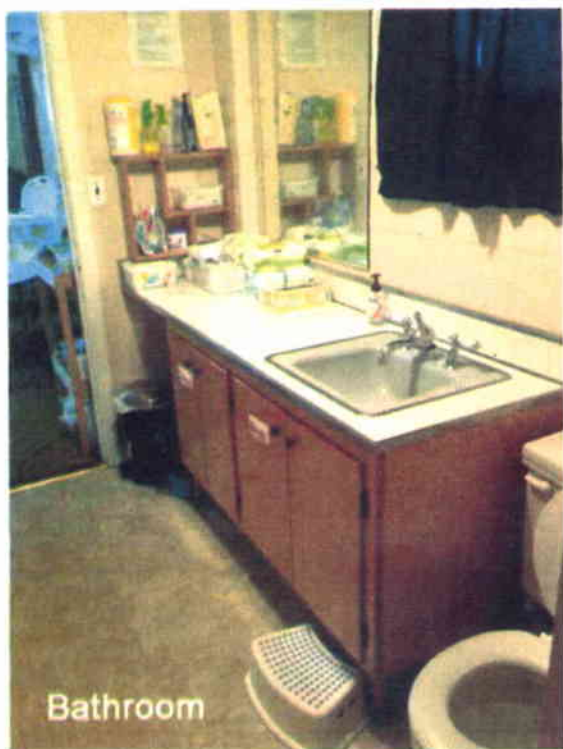
**Child Care Area**







Child Care Area



Bathroom



Infant Sleep Area (cribs)

## **SPECIAL PERMIT REQUEST**

The applicant requests approval of a special permit for a home child care facility for up to 12 children at any one time within an existing dwelling.

A copy of the untitled special permit plat, prepared by Martia Clark, dated May 6, 2014, is included at the front of the staff report.

A detailed discussion of the request is included on pages two and three.

## **CHARACTER OF THE SITE AND SURROUNDING AREA**

The lot, situated on Collard Street to the west of Richmond Highway, in the Valley View subdivision, contains 10,800 square feet. A 49 inch high chain link fence rings the rear and side yards. A 437 square foot detached garage is located in the rear yard, accessed by the driveway. A 48 square foot shed, 9 feet in height stands in the rear yard.

A paved driveway extends from the Collard Street access in the front yard to the garage in the rear yard. The driveway has space enough for five parked vehicles. There is also available street parking on Collard Street. The home childcare entrance is in the rear yard, down a set of stairs.

As shown in the image on the following page, the site is surrounded by single family residences, zoned R-2.

## **BACKGROUND AND HISTORY**

County Records show that the dwelling was constructed in 1955. The home's owner, Monica Sims Crimmins, first acquired the property on February 8, 1993. The applicant, Martia Clark, who rents the home, currently operates a home child care facility for 12 children, and holds a current license in good standing from the Commonwealth of Virginia, Department of Social Services for a family day home with a capacity for 12 children, which is valid until April 6, 2015. The applicant is licensed to care for children aged from birth to 12 years, 11 months.

## **DESCRIPTION OF THE APPLICATION**

The applicant requests approval of a special permit for a home child care facility for up to 12 children at any one time to operate between the hours of 6:30 a.m. and 6:30 p.m., Monday through Friday. Employees include the applicant, one full-time assistant, and one part-time assistant. Drop-off of children is staggered between 7:00 a.m. and 10:30 a.m. with pick-up between 2:45 p.m. and 6:30 p.m. The existing driveway, which is utilized for pick-ups and drop-offs, can accommodate five vehicles.





Areas inside the dwelling utilized for home child care operations include the three rooms in the basement. The fenced rear yard, which includes several plastic play structures, is utilized as an outdoor play area.

## ZONING INSPECTION

Staff has noted that the 48 square foot shed in the rear yard has a height greater than 8.5 feet and thus its location does not comply with paragraph 10 of section 10-104 of the Zoning Ordinance. Because the shed exceeds 8.5 feet in height, it must be located a minimum of 15 feet from the side lot line. The shed's location will need to be addressed in the future, should the applicant sell the property or request other permits. Failure to address this issue may impact the applicant's ability to obtain building permits or pursue other zoning applications on this property in the future. A development condition is included to address this issue.

Areas inside the dwelling utilized for home child care operations include the three rooms in the basement. An area described as the "Crib Area" on the submitted floor plan was discovered, upon site inspection, to be unfit for use as a sleeping area. A follow-up inspection showed the space to be converted, and is no longer used for sleeping. A condition has been added to prohibit use of this room for sleeping. The larger sleeping area in the main child care room has adequate emergency egress. To

address staff concerns regarding uncovered fluorescent bulbs and electrical wiring, the applicant has installed bulb covers and submitted a third party electrical inspection report.

**COMPREHENSIVE PLAN PROVISIONS**

**Plan Area:** Area IV, Mount Vernon Planning District  
**Planning Sector:** Hybla Valley (MV2) Community Planning Sector  
**Plan Map:** Residential use at 2-3 dwelling units per acre (du/ac)

**ZONING ORDINANCE REQUIREMENTS**

- General Special Permit Standards (Sect. 8-006)
- Group 3 Uses (Sect. 8-303)
- Additional Standards for Home Child Care Facilities (Sect. 8-305)
- Use Limitations (Sect. 10-103, Par. 6)

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included in Appendix 7. Subject to the development conditions, the special permit must meet these standards.

**CONCLUSION AND RECOMMENDATIONS**

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. Staff recommends approval of SP 2014-LE-062, subject to the Proposed Development Conditions dated September 17, 2014.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

**APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Owner Consent
5. ZIB Inspection Memo



SP 2014-LE-062

6. Electrical Inspection
7. Virginia State License
8. Applicable Zoning Ordinance Provisions

## PROPOSED DEVELOPMENT CONDITIONS

October 22, 2014

If it is the intent of the Board of Zoning Appeals to approve SP 2014-LE-062 located at Tax Map 92-2 ((19)) 43 for a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Martia Clark, Early Learning Daycare LLC, only and is not transferable without further action of the Board, and is for the location indicated on the application, 3303 Collard Street, and is not transferable to other land.
2. This special permit is granted only for the home child care facility use indicated on the untitled special permit plat prepared by Martia Clark, dated May 6, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 6:30 a.m. to 6:30 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. There shall be no signage associated with the home child care facility.
8. All drop-off and pick-up of child care facility children shall be conducted in the driveway.
9. The maximum number of assistants for the home child care shall be two.
10. Within 12 months from the date of this hearing, the shed shall be moved or otherwise brought into compliance with the Fairfax County Zoning Ordinance, or a separate special permit shall be applied for and diligently pursued.
11. Rooms within the dwelling without a point of egress, which meets emergency escape and rescue openings requirements of the 2009 Virginia Residential Building Code, shall be not be utilized as sleeping areas.



This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, ninety (90) days after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Application No.(s):

SP 2014-LE-062

(county-assigned application number(s), to be entered by County Staff)

## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

5 / 6 / 2014

(enter date affidavit is notarized)

I, Martia Clark, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)

☒

applicant

☐

applicant's authorized agent listed in Par. 1(a) below

124754

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Martia Lynette Clark	3303 Collard St Alexandria, VA 22306	Applicant
Early Learning Daycare L.L.C.	3303 Collard St Alexandria, VA 22306	Applicant
Monica Sims Crimmins Trustee for the Monica Sims Crimmins Trust		6-Title Owner
Monica Sims Crimmins Trustee for the John David Crimmins By Past Trust		6-Title Owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



Application No.(s): \_\_\_\_\_

(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: \_\_\_\_\_

(enter date affidavit is notarized)

124754

- 1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE: INCLUDE SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)**

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Early Learning Day Care L.L.C.  
3303 Colvard St  
Alexandria, VA 22306

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

Martia L. Clark

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until only individuals remain. In (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an **INTELLIGENT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land that is a partnership, corporation, or trust, each successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the interest in, partnership, corporation, or trust. **PURCHASER or LESSEE\*** of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall be listed. Use the same method to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5/6/2014  
(enter date affidavit is notarized)

124754

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner**, **Limited Partner**, or **General and Limited Partner**)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders, less an shareholder owning 10% or more of any class of stock. **In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the property, the listing must include a listing and further breakdown of all of its partnerships, corporations, or trusts, and of beneficiaries of any trusts. Such successive breakdown must also include circumstances of any partnership, corporation, or trust owning 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land. Limited liability corporations and other entities shall be listed as such. The listing must designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5/6/2014  
(enter date affidavit is notarized)

124754

1(d). One of the following boxes must be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5/6/2014  
(enter date affidavit is made)

124754

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or through a partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or under 10% or more of the outstanding shares or shares of stock of a corporation, firm, or firm and any business or financial relationship, other than any ordinary deposits or customer relationship with or to a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearing. See Par. 4 below.)

(check if applicable) ☐ If checked, disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and firms owning 10% or more of the APPLICANT, TITLE COMPANY, COMMONS COMPANY, or owner of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I have researched and reviewed and provided any changes in supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Martia Clark

☐ Applicant

☐ Applicant's Authorized Agent

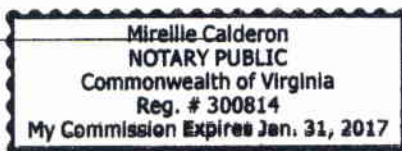
Martia Lynette Clark

(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 6th day of May, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

Mireille Calderon  
Notary Public

My commission expires: \_\_\_\_\_



CAB



Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

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**Special Permit/Variance Attachment to Par. 1(a)**

DATE: 5/6/2014  
(enter date affidavit is notarized)

124754

**(NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
--	---	--

N/A

(check if applicable)

[ ]

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Permit/Variance Attachment to Par. 1(a)" form.

Application No.(s):

(county-assigned application number(s), to be entered by County Staff)

Page 7 of 7

**Special Permit/Variance Attachment to Par. 1(b)**

DATE:

March 6, 2014  
(enter date affidavit is notarized)

124754

(Trust)  
NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)  
MONICA Sims Crimmins Revocable Trust dated May 2, 2002

7702 Robinhood Court, Alexandria VA 22306  
DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial and last name) & Beneficiaries  
Emily Grace Macedonia } Daughters  
Bess Corley Sussman }

(Trust)  
NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)  
John David Crimmins Bypass Trust, created Oct. 26, 2011  
7702 Robinhood Court, Alexandria VA 22306

DESCRIPTION OF CORPORATION: (check one statement)

- (Trust)  
☒ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name) & Beneficiaries  
Emily Grace Macedonia } Daughters  
Bess Corley Sussman }

(check if applicable) ☐

There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

STATEMENT OF JUSTIFICATION  
FOR A HOME CHILD CARE FACILITY

Name: Martia Clark  
 Address: 3303 Collard St  
Alexandria, VA 22306  
 Phone #: 703-373-3735  
 E-mail: EL Day Care @ yahoo. com

RECEIVED  
 Department of Planning & Zoning  
 MAR 11 2014  
 Zoning Evaluation Division

Date 03/07/14

Fairfax County Department of Planning & Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax, VA 22035

Re: Special Permit Application

Applicant: Martia Clark  
 Zoning Ordinance Section 8-305 for Home Child Care Facility  
 Section 8-004 of General Standards

Tax Map #: 0922 19 0043  
 Zoning District: R-2  
 Lot Size: 10,800 sq ft

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a attached/detached (circle one) dwelling at 3303 Collard St Alexandria, VA 22306 (your address). The property is zoned R-2 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 6:30 AM ~ 6:30 PM.

Number of Children. I care for up to 12 children at any one time. This number does not include my own 3 child/children.

Employees. I have 2 assistant(s) who work part-time and 1 assistant(s) who work full-time.

(MC) Arrival Schedule. ~~12~~<sup>12</sup> of the children arrive between 7<sup>00</sup> AM and 10<sup>30</sup> AM.



Departure Schedule. <sup>12</sup>~~10~~ of the children are picked up at <sup>2:45</sup>~~2~~ PM. - <sup>30</sup>6 PM

Area Served. Broveton Area  
(what neighborhood/general area do the children live in?)

Operations. As I stated, my house is a single-family attached / detached (circle one) dwelling. It has (explain the general layout of the house):

2 levels wherein the basement is used for childcare

The house has 1,394 square feet. The following rooms are where I conduct the day care:  
entire basement

These rooms are 697 square feet total.

Hazardous or Toxic Substances. The house and yard are free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

Outdoor Play Area. I use my whole back yard for outdoor play for the children. The area is approximately \_\_\_\_\_ square feet. The outdoor play area consists of: level area of lawn, 2 slides and play sets and 3 play houses

Parking. I use my driveway to park my family car(s). My parents park in the driveway and on the street in front of my house

For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

In conclusion, I am proposing that no modifications are required to meet the requirements of this special permit use. I trust that my facility, as it operates today, provides a more than adequate environment for up to twelve (12) children in care at any given time.

Sincerely,

Martia Clark (Martin)  
Owner of Early Learning Daycare LLC.

## Arrival Schedule and Departure Schedule

### Arrival Schedule

Child	7:00 – 7:45 AM	7:45 – 8:00 AM	8:00 – 8:30 AM	9:00 – 9:15 AM	9:15 – 10:30
1	X				
2	X				
3	X				
4	X				
5			X		
6				X	X
7			X		
8		X			
9				X	
10				X	
11				X	
12				X	

### Departure Schedule

Child	2:45 – 4:15 PM	4:15 – 4:30 PM	4:30 – 5:00 PM	5:00 – 5:30 PM	5:30 – 6:30 PM
1					X
2					X
3	X				
4			X		
5					
6					
7					
8					
9				X	
10				X	
11				X	
12				X	

RECEIVED  
Department of Planning & Zoning

MAR 11 2014

Zoning Evaluation Division

## OWNER CONSENT/AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We, the undersigned applicant and/or title owner(s) of the property identified below, do hereby authorize Wanda Clark to act as agent(s) in the furtherance of an application for a special permit on property located at: 3303 Collard Street, Alexandria, VA

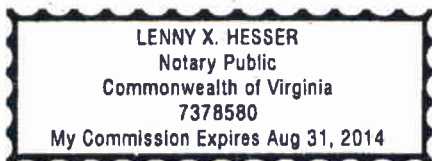
Thank you in advance for your cooperation.

APPLICANT/TITLE OWNER

Date: 4-29-2014By: [Signature]  
[Name] Taustu

COMMONWEALTH/STATE OF: VIRGINIA  
CITY/COUNTY OF: Alexandria, TO WIT:

The foregoing instrument was acknowledged before me this 29th day of April, 2014, in the County of Fairfax, VIRGINIA.  
[State]



Lenny X. Hesser  
Notary Public (Signature)  
Notary Registration No. 7378580  
My Commission Expires: Aug 31, 2014

AFFIX NOTARY SEAL/STAMP

**ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.**





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** September 16, 2014

**TO:** Jonathan Buono, Staff Coordinator  
Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning

**FROM:** Chuck Cohenour  
Senior Zoning Inspector  
Zoning Inspections Branch

**SUBJECT:** Home Child Care Application

**APPLICANTS:** Martha Clark  
3303 Collard Street, Alexandria, Virginia 22306  
Valley View Lot 43  
Tax Map Ref #: 92-2 ((19)) 43  
Zoning District: R-2  
Mail Log Assignment: 2014-LE-0396

A re-inspection of the above-referenced property was conducted on September 11, 2014 in response to a request by the Applicant. This is the second inspection to verify that corrective action was taken to address an interior sleeping room located in the basement that did not provide any means of emergency escape opening.

The re-inspection found that the applicant has removed all furnishings that would make the basement room a sleeping room.

The sleeping area for this child care facility continues to be located in the open area of the basement, so as to have a direct and unobstructed access to the upstairs floor and to one exterior exit of the dwelling via a doorway through a room, most similar to a mudroom, where there is no door that separate the sleeping room from the mudroom.

The window in the below grade rooms with a sill height of in excess of 46 inches and whose windows do not have openable areas in excess of 5.7 square feet.

The Fairfax County Office of Assessments records indicate that this single family dwelling was constructed in 1955 and as such the egress windows would not be subject to the requirements of the current Virginia Uniform Statewide Building Code.

Concerns as to the quality of the electrical wiring in different areas the basement has surfaced by the staff of the Zoning Evaluation Division after the inspections was made. Investigator Al Sanchez,

Department of Planning and Zoning  
Zoning Administration Division  
Zoning Inspections Branch  
12055 Government Center Parkway, Suite 829  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 FAX 703-324-4300  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



Jonathan Buono, Staff Coordinator  
September 16, 2014

Department of Code Compliance (Certified Electrical Inspector), was asked to review photographs of the electrical wiring in question. Investigator Sanchez opined that the wiring was what he would expect in an unfinished basement. He did note that a florescent light fixture in one of the photographs did not have a required cover.

Additionally, Investigator Sanchez questioned if the areas of the basement that contained finished walls were install with the proper trade permits when the basement appeared to be unfinished.



**MASON**  
ELECTRICAL SERVICES



## ELECTRICAL CERTIFICATE OF INSPECTION

The electrical work described below is to ensure it is electrically safe and is in accordance and complies with the National Electrical Code.

### PROPERTY'S DETAILS

**Owner:** Early Learning Daycare  
**Address:** 3303 Collard St. Alexandria VA 22306  
**Date of Inspection:** 10/09/2014

### DETAILS OF WORK COMPLETED

Electrical Inspection.

I, Joseph A. Mason certify that the electrical Inspection that is subject of this certificate has been inspected; I discovered that all Electrical equipment wiring and devices were installed, in safe and workman like manner.

**Name:** Joseph A. Mason  
**License No:** 2710058993  
**Business Name:** Mason Electrical Services  
**Business Address:** 2801 Park Center Dr. A1812. Alexandria VA 22302  
**Business Phone No:** 301-852-9212

Signature: Joseph A. Mason  
MASTER ELECTRICIAN

Date 10-9-2014



## Search for Child Day Care

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**Martla Clark**

3303 Collard Street

ALEXANDRIA, VA 22306

(703) 973-3736

**Facility Type:** [Family Day Home](#)

**License Type:** [One Year](#)

**Expiration Date:** April 6, 2015

**Business Hours:** 8:30 AM - 6:30 PM  
Monday - Friday

**Capacity:** 12

**Ages:** Birth - 12 years 11 months

**Inspector:** Anailim Dally  
(703) 359-6738

**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-303 Standards for all Group 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.



**8-305 Additional Standards for Home Child Care Facilities**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
  - A. The dimensions, boundary lines and area of the lot or parcel.
  - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
  - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

**10-103      Use Limitations**

6. The following use limitations shall apply to home child care facilities:

A.      The maximum number of children permitted at any one time shall be as follows:

(1) Seven (7) when such facility is located in a single family detached dwelling.

(2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

B.      A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.

C.      There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.

D.      In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

E.      Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.

F.      All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

- G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.